

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IN RE: RICHARD ROY SCOTT

Case No. 3:05-mc-5029-RSM

**ORDER DENYING PLAINTIFF'S
APPLICATION TO PROCEED IFP**

This matter comes before the Court on Plaintiff Richard Roy Scott's Application to Proceed *In Forma Pauperis*, Dkt. #173. Plaintiff, a resident of the Special Commitment Center ("SCC") on McNeil Island, has been previously declared a "vexatious litigant" and is "prohibited from proceeding in forma pauperis in any future action in the United States District Court for the Western District of Washington... unless the Court determines that he is in imminent danger of death or serious injury." *Scott v. Weinberg*, Case No. 3:06-cv-05172-FDB, Dkt. #95.

Upon review of Plaintiff's current proposed complaint, Dkt. #173-1, the Court determines that he is not in imminent danger of death or serious injury and will deny his request for IFP status.

Plaintiff claims that “[a]ll medical care for Richard Scott has stopped,” and that he has not been to the medical clinic “in part because [the director of the medical department] reduced

1 the ARPN to just week ends, 12 hours total.” Dkt. #173 at 2. He claims that it was
2 recommended to him four year ago to have a camera examination of his throat “to determine if
3 he had an obstruction in his throat or maybe even cancer.” *Id.* He states that he has put in sick
4 call slips and has not been seen. The reasons Plaintiff gave for needing medical care were
5 concern about possible skin cancer and stating that his “right arm was sore/painful.” *Id.*
6 Plaintiff states that he has requested to renew his over the counter medications (he does not
7 identify them to the Court) and the clinic’s response was “could you be more specific.” *Id.* at
8 3. Plaintiff then lists certain medications that have been renewed and others that have not,
9 including “A&D ointment,” petroleum jelly, and “alleges [sic] med.” *Id.* Plaintiff then lists
10 several non-life-threatening ailments such as having to urinate “constantly” and a pinched
11 nerve in his neck. *Id.* He states he “was prescribed a hospital bed and has one but it doesn’t
12 have a remote control.” *Id.* He indicates that without certain medications his health conditions
13 will worsen. *Id.* at 4.

16 Plaintiff has twice this year attempted to proceed IFP with complaints addressing the
17 social distancing and sanitation policies at the SCC, as well as restrictions on his access to
18 haircuts, recreational and religious activities, and to a computer for legal research. *See* Dkts.
19 #163 and #168. It is clear to the Court that Plaintiff’s access to these activities has been
20 reduced or banned due to the ongoing COVID-19 pandemic. Plaintiff admits this. *See* Dkt.
21 #173-2 (“we have... new mewdical [sic] Staff and procedures in part due to the virus and
22 budget issues”). It seems likely that his access to the clinic has been reduced given the
23 unprecedented public health situation.

26 As the Court has previously found, Plaintiff still has access to medical care, but medical
27 staff has been reduced and elective off island medical procedures have stopped. Plaintiff does
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1 not identify a specific need for immediate medical care to deal with a life-threatening issue or a
2 serious injury. The Court finds that Plaintiff has failed to demonstrate that he is in imminent
3 danger of death or serious injury.

4 Pursuant to the bar order above, Plaintiff is not entitled to IFP status to prosecute his
5 claims. If he wishes to proceed, he must pay the required filing fee for his complaint.
6 Plaintiff's concerns over deviations from SCC policies are best directed to the leadership at the
7 SCC.

9 Accordingly, the Court hereby finds and ORDERS that Plaintiff Richard Roy Scott's
10 Application to Proceed *In Forma Pauperis*, Dkt. #173, is DENIED. The clerk is directed to
11 provide a copy of this order to Plaintiff.

14 DATED this 7th day of December, 2020.

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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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